

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

GRANT MCBRIDE,)	
)	
Plaintiff,)	
v.)	CASE NO. : 1:19-cv-651
)	
SELINA J TRAVIOLI)	
JBS CARRIERS, INC. A WISCONSIN)	
CORPORATION)	Amount Claimed not in Excess of
)	\$50,000
)	
Defendant.)	
)	

FIRST AMENDED COMPLAINT

NOW COMES the Plaintiff, **GRANT MCBRIDE**, by and through his attorneys, **PATRICOSKI LAW OFFICES** and complaining of the Defendants **SELINA J TRAVIOLI** and **JBS CARRIERS, INC. A WISCONSIN CORPORATION** states as follows:

COUNT I
GRANT MCBRIDE VS. SELINA J TRAVIOLI
(NEGLIGENCE)

1. That on or about December 24, 2016, the Defendant, **SELINA J TRAVIOLI**, was the driver and in possession of a certain vehicle which she was operating and propelling in a Northwestern direction on New Road at or near Lemont Township. That the said roadway is a high-traveled public highway located in a densely populated portion of the Lemont Township, County of Cook and the State of Illinois.
2. That at all times relevant hereto, Defendant, **SELINA J TRAVIOLI** was a resident Brooklyn, MI.
3. That at said time, the Plaintiff **GRANT MCBRIDE** was the driver of a vehicle which was traveling in a Northwestern direction on New Road at or near Lemont Township in Cook County, Illinois, and ahead of Defendant **SELINA J TRAVIOLI**.

4. That at all times relevant, Plaintiff, **GRANT MCBRIDE** was and continues to reside in the City of Lemont, County of Cook and State of Illinois.

5. That at all times relevant, Plaintiff **GRANT MCBRIDE** was operating his vehicle in the exercise of due care.

6. That at all times relevant, it was the duty of Defendant, **SELINA J TRAVIOLI** to operate her vehicle in a safe manner, free from negligence, control her vehicle within her lane of traffic and avoid striking other vehicles on the roadway including Plaintiff.

7. That at said time and place, Defendant, **SELINA J TRAVIOLI** breached her duty and negligently operated and propelled her vehicle so that as a direct and proximate result thereof, Defendant, **SELINA J TRAVIOLI** crossed over from new road when Defendant, **SELINA J TRAVIOLI** failed to maintain her vehicle within her lane of traffic and otherwise control her vehicle as she abruptly and without warning crossed into Plaintiff's lane of travel and striking Plaintiff.

8. That then and there, the Defendant, **SELINA J TRAVIOLI**, was guilty of one or more of the following negligent acts or omissions:

- a. Defendant, **SELINA J TRAVIOLI** failed to stop when danger to the Plaintiff, **GRANT MCBRIDE** was imminent.
- b. Defendant, **SELINA J TRAVIOLI** failed to give the Plaintiff, **GRANT MCBRIDE** a warning.
- c. Defendant, **SELINA J TRAVIOLI** operated and propelled her automobile at a speed which was excessive and unreasonable.
- d. Defendant, **SELINA J TRAVIOLI** failed to use due care and caution and failed to keep a proper look-out.

e. Defendant, **SELINA J TRAVIOLI** failed to maintain control of her vehicle within a single lane of traffic.

f. Defendant, **SELINA J TRAVIOLI** negligently changed lanes into the lane occupied by the Plaintiff when it was not clear and safe to do so and in contravention of 625 ILCS 5/11-709.

9. That by reason of the premises as a direct and proximate result thereof, the Plaintiff, **GRANT MCBRIDE**, then and there sustained severe and permanent injuries, both externally and internally, and he was thereby greatly hurt, bruised and wounded; the neck, back, spine, arms, legs, body, head, and the bones, joints, muscles, tendons, nerves, membranes, ligaments and vessels thereof were seriously contused, bruised, fractured, sprained, wrenched and weakened; nausea, vertigo, and sleeplessness; the function and use of all the aforesaid parts and organs were seriously diminished, impaired and made painful; and he became therefrom sick, sore, lame and disordered and so remained for a long period of time, to wit; from thence to hereto, during all of which time he suffered great pain and anguish both in mind and in body and will, in the future, continue to suffer, and he was by reason of said injuries hindered and prevented, and permanently will be hindered and prevented from attending to he usual duties and affairs, and he has thereby lost and will in the future, thereby lose large sums of money which he would otherwise have accrued, and he was compelled to expend and become liable for large sums of money for hospital and medical services, nursing care and attention in and about endeavoring to become healed and cured of his injuries, all to his damage in a sum not in excess of \$50,000.00.

WHEREFORE, the Plaintiff **GRANT MCBRIDE** prays for judgment against the Defendant, **SELINA J TRAVIOLI** for a sum not in excess of One Hundred Thousand and No/100 (\$50,000) Dollars, plus costs of suit.

COUNT II
GRANT MCBRIDE VS. JBS CARRIERS, INC. A WISCONSIN CORPORATION
(NEGLIGENCE)

1-9. Plaintiff restates, realleges and incorporates herein paragraphs 1-9 of Count I of this Complaint as paragraphs 1-9 of this Count II as if the same were fully set forth herein.

10. At all times relevant to this Complaint, Defendant **JBS CARRIERS, INC. A WISCONSIN CORPORATION** was the owner of the subject vehicle driven by co-defendant **SELINA J TRAVIOLI**.

11. At the aforementioned time and place, Defendant **SELINA J TRAVIOLI** was operating the said vehicle owned by co-defendant, **JBS CARRIERS, INC. A WISCONSIN CORPORATION**.

12. At all times relevant to this Complaint, Defendant **SELINA J TRAVIOLI** was the driver of the said vehicle with the knowledge, consent, permission and as agent for co-defendant, **JBS CARRIERS, INC. A WISCONSIN CORPORATION**.

13. At all times relevant to this Complaint, it was the duty of co-defendant, **JBS CARRIERS, INC. A WISCONSIN CORPORATION**, to properly train, supervise, and otherwise ensure that Defendant **SELINA J TRAVIOLI** exercised care for the safety of all persons traveling on or near the roadway, including the Plaintiff herein.

14. At the aforementioned time and place, the subject vehicle operated by Defendant **SELINA J TRAVIOLI** failed to yield the right-of-way and further was careless and negligent as fully set forth in Count I.

15. At all times relevant to this Complaint, it was the duty of co-defendant, **JBS**

CARRIERS, INC. A WISCONSIN CORPORATION, to ensure that Defendant **SELINA J TRAVIOLI** exercise ordinary care for the safety of all persons traveling on or near the roadway, including Plaintiff herein.

16. In violation of its duties, Defendant, **JBS CARRIERS, INC. A WISCONSIN CORPORATION**, by and through co-defendant **SELINA J TRAVIOLI**, was careless and negligent in that:

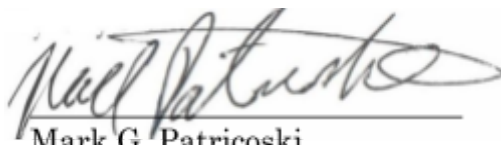
a. Defendant **JBS CARRIERS, INC. A WISCONSIN CORPORATION** permitted, authorized, and directed, co-defendant **SELINA J TRAVIOLI** to operate said vehicle without proper training and supervision.

b. The defendant, **JBS CARRIERS, INC. A WISCONSIN CORPORATION** failed to direct co-defendant, **SELINA J TRAVIOLI**, on the proper handling and safety precautions in the operation of said vehicle and equipment.

17. That as a direct and proximate result of the aforesaid, the Plaintiff herein suffered multiple and diverse injuries, both externally and internally, and of a permanent and lasting nature, which caused and will continue to cause pain and suffering, caused to expend large sums of money for medical care, and caused to lose time and income from her employment, and the plaintiff has been and in the future, will be prevented from attending to her usual affairs and duties.

WHEREFORE, the Plaintiff, **GRANT MCBRIDE** prays for judgment against the defendant **JBS CARRIERS, INC. A WISCONSIN CORPORATION** for a sum in not excess of \$50,000.00, plus costs of this suit.

Respectfully Submitted:
GRANT MCBRIDE

A handwritten signature in black ink, appearing to read 'Mark G. Patricoski', written over a horizontal line.

Mark G. Patricoski
Attorney For Plaintiff

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